

OFFICIAL COPY

Fresno, California

February 6, 2001

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting President
	Henry Perea	Council President

Andy Souza, Interim City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Jeff Rumble, Calvary Presbyterian Church, gave the invocation, and President Perea led the Pledge of Allegiance to the Flag.

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APPROVE MINUTES OF JANUARY 30, 2001

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the minutes of January 30th approved as submitted.

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APPROVE AGENDA:

ITEMS 3:45 P.M. "A" AND 1A-5

City Clerk Klisch advised the resolutions listed under the above entitled items on the agenda were subject to the Mayor's veto and should have been asterisked on the agenda. So noted.

DIRECT STAFF TO SCHEDULE ON THE FEBRUARY 13TH AGENDA A RESOLUTION SUPPORTING MEASURE "K" - THE SCHOOL BOND MEASURE - PRESIDENT PEREA

Direction made.

(3:30 P.M. #1) HEARING TO CONSIDER APPEAL OF PLANNING COMMISSION ACTION ON SITE PLAN REVIEW APPLICATION NO. S-00-316 RELATING TO CONSTRUCTION OF A SELF-SERVICE AUTOMOBILE FUELING STATION ON PROPERTY LOCATED AT 5638 E. KINGS CANYON ROAD AT CLOVIS AVENUE - COUNCILMEMBER QUINTERO (REQUEST TO CONTINUE TO 2/13/01, AT 10:00 A.M.)

Continued as requested.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE EXTENSION OF TEMPORARY USE PERMIT ISSUED BY THE CITY TO TALUS AVIATION SERVICES, INC., TO OCCUPY PREMISES AT FRESNO CHANDLER DOWNTOWN AIRPORT; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID EXTENSION OF TERM

(1A-2) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR WATER QUALITY TESTING TO: BSK ANALYTICAL LABORATORIES FOR BID SECTIONS I, II, III AND VI IN THE ESTIMATED AMOUNT OF \$435,390, AND TO TWINING LABORATORIES, INC. FOR BID SECTIONS IV AND V IN THE ESTIMATED AMOUNT OF \$42,650

(1A-3) APPROVE AMENDMENT NO. 1 TO A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT WITH PB MUNICIPAL FUNDING, INC., FOR THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT; AND AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH

(1A-4) RESOLUTION NO. 01-37 - APPROVE AN AGREEMENT WITH ARTE AMERICAS TO USE FY 2001 GENERAL FUNDS AND CDBG FUNDING FOR THE SOLE PURPOSE OF REMOVING AND RENOVATING THE SPACE AROUND AN EXISTING ELEVATOR AND INSTALLING A NEW HYDRAULIC PASSENGER ELEVATOR FOR PERSONS WITH DISABILITIES, AND AUTHORIZE THE CITY MANAGER TO ENTER INTO SAID AGREEMENT ON BEHALF OF THE CITY

(1A-5) * RESOLUTION NO. 01-38 - 97TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$112,500 TO FUND THE BALANCE OF THE MACIAS CONSULTING GROUP, INC. (MCG) CONTRACT FOR FINANCIAL AUDITING SERVICES

(1A-6) RESOLUTION NO. 01-39 - ESTABLISHING THE INTENTION OF THE CITY OF FRESNO TO ISSUE MULTIFAMILY REVENUE HOUSING BONDS TO FINANCE THE ACQUISITION AND REHABILITATION OF A MULTIFAMILY RESIDENTIAL RENTAL PROJECT - THE CALIFORNIAN

(1A-7) APPROVE APPOINTMENT OF DR. DAVID E. ROY TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER CALHOUN

(1A-8) APPROVE REAPPOINTMENT OF COUNCILMEMBER QUINTERO TO THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) - MAYOR AUTRY

(1A-9) ADOPT RESOLUTIONS RELATING TO THE DOWNTOWN MULTIPURPOSE STADIUM PROJECT
a. * **RESOLUTION NO. 01-40** - 95TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$5,043,000 FOR CERTAIN CONSTRUCTION WORK

b. * **RESOLUTION NO. 01-41** -OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILLS FOR INTRODUCTION:

(1B-1) INTRODUCTION OF ORDINANCES RELATING TO TECHNICAL TAX CLARIFICATIONS TO THE CITY OF FRESNO RETIREMENT SYSTEMS

a. * **BILL NO. B-15** - AMENDING SECTIONS 2-1702, 2-1703 AND 2-1722.1 OF THE FRESNO MUNICIPAL CODE RELATING TO TECHNICAL TAX CLARIFICATIONS TO THE FIRE AND POLICE RETIREMENT SYSTEM

b. * **BILL NO. B-16** - AMENDING SECTIONS 2-1802, 2-1803 AND 2-1828 OF THE FRESNO MUNICIPAL CODE RELATING TO TECHNICAL TAX CLARIFICATIONS TO THE EMPLOYEES RETIREMENT SYSTEM

c. * **BILL NO. B-17** - AMENDING SECTIONS 2-1722A.1 OF THE FRESNO MUNICIPAL CODE RELATING TO TECHNICAL TAX CLARIFICATION TO THE FIRE AND POLICE RETIREMENT SYSTEM

(1B-2) INTRODUCTION OF ORDINANCES RELATING TO THE CONTINUATION OF ALLOWANCES TO SURVIVING DISABLED CHILDREN PAST THE AGE OF EIGHTEEN

a. * **BILL NO. B-18** - AMENDING SECTIONS 2-1723 AND 2-1732 OF THE FRESNO MUNICIPAL CODE RELATING TO CONTINUATION OF ALLOWANCES TO SURVIVING DISABLED CHILDREN PAST THE AGE OF EIGHTEEN IN THE FIRE AND POLICE RETIREMENT SYSTEM

b. * **BILL NO. B-19** - AMENDING SECTIONS 2-1723A AND 2-1732A OF THE FRESNO MUNICIPAL CODE RELATING TO CONTINUATION OF ALLOWANCES TO SURVIVING DISABLED CHILDREN PAST THE AGE OF EIGHTEEN IN THE FIRE AND POLICE RETIREMENT SYSTEM

c. * **BILL NO. B-20** - AMENDING SECTIONS 2-1840.1 AND 2-1840.3 OF THE FRESNO MUNICIPAL CODE RELATING TO CONTINUATION OF ALLOWANCES TO SURVIVING DISABLED CHILDREN PAST THE AGE OF EIGHTEEN IN THE EMPLOYEES RETIREMENT SYSTEM

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill Nos. B-15, B-16, B-17, B-18, B-19 and B-20 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(5A) * RESOLUTION NO. 01-42 - 98TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$10,000 OF DISTRICT 2'S INFRASTRUCTURE BUDGET TO FUND THE FRESNO AREA RESIDENTS FOR RAIL CONSOLIDATION COMMITTEE - COUNCILMEMBER CALHOUN

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-42 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(5B) REQUEST THE CITY MANAGER TO DIRECT STAFF TO PERFORM A REAL ESTATE APPRAISAL ON A VACANT PORTION OF CITY PROPERTY OCCUPIED BY THE IVY COMMUNITY CENTER - ACTING PRESIDENT RONQUILLO

Briefly reviewed by Councilmember Ronquillo who advised the West Fresno School District had expressed interest in acquiring the property so they could expand on the center, noted the property was currently not being utilized and no commitments were being given, and along with Interim City Manager Souza further clarified the issue and process that would be undertaken by staff for Councilmember Calhoun.

Barbara Hunt, 944 "F" Street, spoke to the issue.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the City Manager to direct staff to perform a real estate appraisal on a vacant portion of city property occupied by the Ivy Community Center, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(3A) * BILL NO. B-11 - ORDINANCE NO. 01-9 - AMENDING SECTION 2-115 OF THE FRESNO MUNICIPAL CODE RELATING TO COUNCIL MEETINGS AND RULES OF ORDER (PRESERVING ORDER AND DEFINING ACCEPTABLE DECORUM AT CITY COUNCIL MEETINGS BY COUNCILMEMBERS AND THE PUBLIC) - PRESIDENT PEREA AND COUNCILMEMBER DUNCAN

Briefly reviewed by Councilmember Duncan who stated the rules were being updated to insure proper decorum in the Council Chamber at all times, emphasized this was not about restricting speech in any way, and made a motion to adopt the ordinance which was seconded and acted upon after brief discussion.

Councilmember Ronquillo stated chairing meetings and debating issues could sometimes get a little rancorous from political perspectives, noted he was leery about adding limits to expression and had concern about the inability to voice and strongly debate issues which at times was necessary, and stated he would support the ordinance but if he ever found anyone was being prevented from pursuing their right to expression he would bring the ordinance back for altering if necessary.

Speaking in opposition to the ordinance were: Barbara Hunt, 944 “F” Street, and Gloria Torrez, who also advised of corrections to the January 30th minutes, which were so noted.

President Perea expressed his support and reiterated this would not restrict speech, and City Attorney Montoy reviewed the background of the issue and explained what the ordinance would provide for. Councilmember Ronquillo briefly left the meeting at 8:55 a.m. Councilmember Boyajian stated his support noting the ordinance called for Council and the public to be professional and speak to the topic at hand, and Councilmember Duncan thanked staff for their assistance.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-11 adopted as Ordinance No. 01-9, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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RECESS - 8:57 A.M. - 9:02 A.M. All members were present.

(9:00 A.M.) CEREMONIAL PRESENTATIONS:

RECOGNITION OF CENTRAL UNIFIED SCHOOL DISTRICT EMPLOYEES OF THE YEAR 2001: EDDIE FUENTES, CLASSIFIED EMPLOYEE OF THE YEAR; GARY NELSON, TEACHER OF THE YEAR; AND CAMILLA SUTHERLAND, ADMINISTRATOR OF THE YEAR - ACTING PRESIDENT RONQUILLO AND COUNCILMEMBER BOYAJIAN

PROCLAMATION FOR THE FIRST CONGREGATIONAL CHURCH - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF “FRESNO RUGBY FOOTBALL CLUB DAY” - MAYOR AND COUNCIL **(2 - 0)**

PROCLAMATION OF “FRESNO STATE’S NATIONAL GIRLS AND WOMEN IN SPORTS DAY”

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE WINTER QUARTER

The above resolutions of recognition, proclamations and certificates were noted, read and presented and Council recessed for a reception to honor the PRIDE team.

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RECESS - 9:46 A.M. - 10:02 A.M. Councilmembers Boyajian and Ronquillo arrived later.

(10:00 A.M.) HEARING TO CONSIDER THE PLANNING COMMISSION'S APPROVAL OF REZONING APPLICATION NO. R-00-047 AND ENVIRONMENTAL FINDINGS, FILED BY VINEYARD CHRISTIAN FELLOWSHIP OF CLOVIS, PROPERTY LOCATED AT 4910 N. WOODROW AVENUE

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-00-47

2. BILL NO. B-21 - ORDINANCE NO. 01-10 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-3/CZ TO R-3

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Dilbeck gave a brief overview of the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the categorical exemption for Environmental Assessment No. R-00-47 hereby adopted, and the above entitled Bill No. B-21 rezoning the subject property with modified conditions as recommended by the Planning Commission adopted as Ordinance No. 01-10, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Boyajian, Ronquillo

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT OPPOSING CITY FUNDING FOR THE GAP PONDING BASIN

Appearance made; no action taken. Councilmember Boyajian arrived at 10:09 a.m.

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City Attorney Montoy noted Tuesdays were not practical to hold workshops on laws affecting public officials and requested Council submit to her days and times they would be available to schedule the workshops. Upon question of President Perea, Ms. Montoy stated the special Council meeting scheduled for February 7th was still on schedule.

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- (1) COMPLETION OF LIGHTS INSTALLATION AT LION'S PARK - PRESIDENT PEREA
- (2) ATTENDANCE AT FRESNO FALCONS HOCKEY GAMES AND CONVENTION CENTER WORLDWIDE RANKING FOR EVENTS HELD IN COMPARABLY SIZED CITIES - COUNCILMEMBER BOYAJIAN
- (3) GRAND OPENING OF SENIOR CENTER AT MANCHESTER CENTER - PRESIDENT PEREA
- (4) CEREMONY HELD FOR ST. AGNES HOSPITAL EXPANSION PROJECT - COUNCILMEMBER DUNCAN

Brief comments, acknowledgments and commendations were made on the above issues.

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(10:15 A.M.) CONTINUED TEFRA HEARING, AS REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, TO CONSIDER THE ISSUANCE OF MOBILEHOME PARK REVENUE BONDS BY THE CALIFORNIA MOBILEHOME PARK FINANCING AUTHORITY (CMPFA) TO PROVIDE FINANCING FOR THE ACQUISITION OF THE FRANCISCAN AND THE TOWNE & COUNTRY MOBILE HOME PARK PROJECTS

1. RESOLUTION NO. 01-43- APPROVING AN ASSOCIATE MEMBERSHIP AGREEMENT WITH THE CALIFORNIA MOBILEHOME PARK FINANCING AUTHORITY

2. RESOLUTION NO. 01-44 - APPROVING THE ISSUANCE OF MOBILEHOME PARK REVENUE BONDS SERIES 2001 BY THE CALIFORNIA MOBILEHOME PARK IN FINANCING AUTHORITY ON BEHALF OF THE CARITAS CORPORATION

President Perea announced the time had arrived to consider the issue and opened the hearing.

Speaking to the issue were: Barbara Hunt, 944 “F” Street, opposed; Marge Hinckly, Chair, MOPS, support; and Jim Dabney, 20-year Franciscan resident, support. Councilmember Ronquillo arrived at 10:20 a.m.

Upon call, no one else wished to be heard and President Perea closed the hearing.

A motion was made to approve staff’s recommendation which was seconded and acted upon after discussion. Interim Controller Carlton, **(3 - 0)** City Attorney Montoy and Deputy Attorney Hale responded to questions and/or concerns of Councilmember Calhoun relative to the financing, City liability , City Attorney’s support of the transaction, and support of the residents. Mr. Harris, representing The Caritas Corp., advised of improvements that would be made and upon question of Councilmember Castillo stated there would be no future financial impacts to the residents.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution Nos. 01-43 and 01-44 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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RECESS - 10:37 A.M. - 11:02 A.M.

(11:00 A.M.) CONSIDER DIRECTION TO THE PUBLIC WORKS DEPARTMENT TO EXPLORE THE FORMATION OF A MELLO-ROOS COMMUNITY FACILITIES DISTRICT WITHIN THE PROPOSED TARGET AREAS OF THE ROEDING BUSINESS PARK AND SOUTH FRESNO INDUSTRIAL PARK REDEVELOPMENT PROJECT AREAS - ACTING PRESIDENT RONQUILLO AND REDEVELOPMENT AGENCY CHAIR DUNCAN

Briefly reviewed by Councilmember Ronquillo who stated it was a struggle to put business parks on line due to lack of funds, noted the Mello-Roos process had been around for some time but had not been utilized much, and spoke in support of staff exploring the formation of such a district to generate needed funding for infrastructure. City Engineer Salazar and Councilmember Duncan responded to questions of Councilmembers Calhoun and Boyajian relative to forming districts in other locations and if there were any limitations on space. A motion and second was made to approve the direction as outlined above.

Speaking to the issue were: Barbara Hunt, 944 “F” Street, opposed; and Sandra Larson, EDC, support.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, Public Works staff directed to explore the formation of a Mello-Roos Community Facilities District within the proposed target areas of the Roeding Business Park and South Fresno Industrial Park Redevelopment Project Areas, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(11:30 A.M.) RESOLUTION OF CONCERN TO THE STATE CENTER COMMUNITY COLLEGE DISTRICT (SCCCD) RELATIVE TO THE LOCATION OF THE PROPOSED CLOVIS CITY COLLEGE - PRESIDENT PEREA AND COUNCILMEMBER BOYAJIAN

Councilmember Calhoun stated he worked for the SCCC and recused himself from the proceedings and left the meeting at 11:30 a.m.

Councilmember Boyajian stated he was frustrated and shocked to learn of Fresno City College’s (FCC) plans to expand to northeast Fresno and build a \$108 million campus when there was a lot of unfinished business to take care of here; noted there was a lot the City could do for FCC relative to partnerships and explained; and expressed his concern stating Fresno was two cities and emphasized FCC needed to expand here and take advantage of what they had in the inner-city. Councilmember Ronquillo stated 60-70% of the students at the new campus would be from Fresno and he had a real problem with that, and added he did not think enough thought had been given on how a new campus would impact Fresno. Councilmember Duncan concurred FCC needed all of Fresno’s support and encouragement but he felt a new northeast campus would serve an existing need and added it was Council’s responsibility to support a new major campus.

Barbara Hunt, 944 “F” Street, spoke to the issue **(4 - 0)**.

Councilmember Boyajian and Development Director Yovino responded to questions of Councilmember Castillo relative to whether discussions had taken place with FCC officials, what role the City would play or have to play in their plans, at what point an EIR would be initiated, how adoption of a new general plan would affect the SCCC’s plans, and if any middle ground had been considered. Councilmember Ronquillo stated this showed that the City continues to not be pro-active, and Councilmember Boyajian suggested FCC couple with the adult school adding all possibilities needed to be looked at. Councilmember Duncan suggested the Education Committee be charged with meeting with FCC and made a motion to that effect. Brief discussion ensued on Council’s sentiment.

By Council consensus, the Council Education Committee, excluding Councilmember Calhoun who works for the SCCCD, to meet with FCC officials on the issue and report back to Council in approximately 3 weeks, and President Perea to send a letter to FCC advising of a Council majority's strong concern with a new northeast campus and support for expanding here. There was no further discussion.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY THOM ROGERS, 1487 N. SAN PABLO, REGARDING LACK OF CITY COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

Appearance made and brief discussion ensued on the City's ongoing efforts in addressing neighborhood infrastructure needs.

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LUNCH RECESS - 12:05 P.M. - 2:00 P.M.

(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6:
CITY NEGOTIATOR(S): JORGE AGUINIGA, ANDREW T. SOUZA AND MATTHEW GARGIULO
EMPLOYEE ORGANIZATION(S): INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 753, NON-MANAGEMENT FIRE AND MANAGEMENT (IAFF)

(B) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9(c) - CASE NAME: CITY OF FRESNO VS. P.R. FARMS, ET AL.

The Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 3:06 p.m.

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(3:00 P.M.) CONSIDER RECOMMENDATION TO DEFUND APPROXIMATELY \$700,000 IN RELINQUISHMENT FUNDED FY 2001 CAPITAL PROJECTS AS THE INITIAL PHASE TO RESTORE APPROXIMATELY \$1.8 MILLION IN RELINQUISHMENT FUNDS TO PROJECTS IN COUNCIL DISTRICT 5- COUNCILMEMBER QUINTERO

Councilmember Quintero made a motion to approve staff's recommendation and commended the Council Budget Committee on the recommendations and Councilmember Duncan for redirecting funds targeted for projects in his district. The motion was seconded and acted upon after brief discussion with Public Works Director Williamson responding to questions of Councilmember Ronquillo relative to the projects being defunded, process in re-funding the defunded projects, and utilizing funds for Ventura/Kings Canyon improvements.

Barbara Hunt, 944 "F" Street, spoke to the issue.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the defunding of projects specified in the staff report hereby approved and staff directed to return with the replacement projects in District 5 recommended for funding, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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RECESS - 3:15 P.M. - 3:30 P.M.

(3:30 P.M. #2) CONSIDER ADOPTION OF BILLS AMENDING AND ADDING SECTIONS TO THE FRESNO MUNICIPAL CODE RELATING TO SIGNS AND PUBLIC NUISANCES

1. * BILL NO. B-9 - ORDINANCE NO. 01-11 - AMENDING SECTIONS 13-910(H) AND 13-917, ADDING SUBSECTION (L) TO SECTION 13-913, AND ADDING SECTIONS 13-919 AND 13-920 TO THE FRESNO MUNICIPAL CODE RELATING TO SIGNS

2. * BILL NO. B-10 - ORDINANCE NO. 01-12 - ADDING SUBSECTION (L) TO SECTION 9-804 OF THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC NUISANCES

Councilmember Duncan recused himself from proceedings stating he worked for a sign company and left the meeting at 3:31 p.m. President Perea stated there had been a lot of misinformation; advised minor modifications were being proposed to the ordinance which had been in effect for a number of years but had not been enforced enough; advised the proposed amendments (Phase I) dealt with the issues of equity and adding more flexibility with banners, and Phase II would be dealing with window signs; noted education was going on at this time on what was and what was not allowed; and concluded stating the public was being asked to review the ordinance and give their input adding Council wanted to find solutions.

Expressing concerns and speaking in opposition to the sign ordinance and/or amendments were: Virgil Classen, 4151 E. Ashlan; Ken Workentin, 4612 N. Blackstone; Dan Ramirez, auto business owner **(5 - 0)**; Scott Holm, 6195 W. Minarets; Anthony Imperatrice; Rod Geist, 7062 N. First; Stebbins Dean, CEO, Chamber of Commerce, 2231 Fresno Street; Terry Clarkson, 5824 E. Belmont; Jay Margolin, 388 E. Shaw; Philip Tarazi, 395 E. Shaw; and Barbara Hunt, 944 "F" Street.

Councilmember Boyajian stated enforcement should be equal, concurred with comments made relative to political signs adding they were out of control, and stressed at issue was the beautification of Fresno and expressed his support for code enforcement for all they had done in his district and for the sign ordinance stating it was a start. Councilmember Calhoun stated Fresno had a long way to go and concurred at issue was fairness, and commented briefly on his experience with illegal signs.

Chris Pacheco, 6725 N. Blackstone, owner of Quick Signs, spoke to impact to small businesses and asked Council to recognize the cost of advertising.

Councilmembers Castillo, Quintero, Ronquillo and Boyajian addressed and commented on various issues and presented questions relative to types of advertising used, need for code enforcement, comments made by speakers, the equity issue, obtaining the public's input **(6 - 0)**, and regulations on political signs, with HNR Director Quiring and City Attorney Montoy responding to questions.

On motion of Councilmember Quintero, seconded by President Perea, duly carried, RESOLVED, the above entitled Bill Nos. B-9 and B-10 adopted as Ordinance Nos. 01-11 and 01-12, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Duncan

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(3:45 P.M.) APPROVE THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA) - COUNCILMEMBER CASTILLO

1. RESOLUTION NO. 01-45 - 99TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$3,281,500 TO FUND THE INCREASED COSTS ASSOCIATED WITH THE FPOA MEMORANDUM OF UNDERSTANDING

Councilmember Duncan returned to the meeting at 4:40 p.m. Councilmember Calhoun stated he was not going to support the issue as he was uncomfortable making a decision on something he had not been involved with from the beginning and he had concerns with the financial impact.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the Memorandum of Understanding with the Fresno Police Officers Association hereby approved, and the above entitled Resolution No. 01-45 hereby adopted, by the following vote:

Ayes	:	Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian, Calhoun
Absent	:	None

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(4:45 P.M.) * BILL NO. B-14 - AMENDING FRESNO MUNICIPAL CODE SECTION 8-128 RELATING TO NIGHT TIME CURFEW FOR MINORS, AND ADDING SECTION 8-128.2 RELATING TO DAYTIME CURFEW FOR MINORS

President Perea reviewed the background of the issue and stated Council supported the goal of helping to keep kids in school but after doing research and receiving information the past week felt it was premature to move forward on the issue. Councilmember Calhoun concurred and advised the four school boards were opposed to Council acting on the issue without their input, stated first and foremost this was an education issue and not a police issue, and stated he felt Council needed to step back and spend more time thinking about the issue and made a motion to postpone the matter to March 27th at 4:45 p.m. for further discussion and recommendations, which motion was seconded and later acted upon.

President Perea clarified the motion on the floor was to postpone the matter and advised anyone wanting to speak before Council address only the motion to postpone and not the merits of the ordinance being a good or bad policy.

Speaking to the issue and/or requesting assurance for public input/forums before the ordinance is brought back and/or requesting to be involved in the process were: Rev. Walt Parry, Fresno Metro Ministry, 1055 N. Van Ness, Suite H; Alfonso Hernandez, Chicano Youth Center; Kevin Hall, 1204 E. Sierra Madre, opposed to the continuance and ordinance; Barbara Hunt, 944 "F" Street; Paul Garcia, 2336 S. Jackson, Human Relations Consortium President for Central and Fresno Unified School Districts, Parent, and President of Roosevelt High Bilingual Advisory Committee; Stan Geist, 3330 W. Dudley; Nona Harris, 2344 S. Tupman; Gloria Hernandez, Comite No Nos Vamos; Therese Nichols, 1415 N. Linden; Susan Bechara, House of Hope for Youth; and George Finley, 252 E. Hawes.

President Perea stated the goal was to deal with truancy and the Council Education Committee, consisting of Councilmembers Boyajian, Calhoun and Duncan, would work with the Mayor and a broader perspective on how to deal with the issue.

Councilmember Duncan stated he was prepared to vote for the daytime curfew this date; referenced the sign in front of him and advised the 334,341 figure reflected the number of unexcused absences in the Fresno Unified School District and stressed that was unacceptable; advised a letter was received this date from Superintendent Wood and the School Board President in support of a delay to determine the impacts and overall effectiveness of such an approach, and stated he would support the motion adding the point was to get a community dialog and he looked forward to working with the school districts and community.

Councilmember Boyajian stated he was prepared to vote against the ordinance this date and would also oppose the motion, emphasized the issue was why kids did not want to go to school, stated truancy needed to be dealt with and not the criminalization of students, and stressed this was a parent and school issue and politicians needed to stay out of it.

Councilmember Ronquillo stated the motion to delay was already a victory as he requested a two week delay last week and was "shot down", and advised sign-up sheets were outside the Council Chamber and along with President Perea urged all who wanted to be involved in the process to sign up and think of positive solutions to keep kids in school.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill No. B-14 postponed to March 27, 2001, at 4:45 p.m. to allow for further discussion and recommendations between the participating school districts and the City of Fresno including the Mayor's Office, the Council Education Committee and the Police Department, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:22 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 13th day of February, 2001.

ATTEST:

Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk